

REMARKS

As a preliminary matter, please change applicants' docket number from 10016887-1 to 10016687-1. This change is appreciated.

The office action has been carefully considered and amendments have been made to the independent claims 1, 8, 14 and 17 and a minor correction has been made to dependent claim 13.

With regard to the rejection of claims 1-19 under 35 U.S.C. 112, first paragraph, applicants, by and through the undersigned, acknowledge that an incorrect characterization of the operation was claimed and argued in the response to the initial office action. Applicants regret the error and have amended the independent claims to delete the word "only" with regard to the final element of the claims among other amendments. Applicants acknowledge that the specification states that a time-out mechanism is avoided since every hop on the transmission path requires either an acknowledgement, or error indication. Amendments to the independent claims are believed to traverse this rejection and applicants withdraw the arguments that were previously made that applicants' method does not use acknowledgement packets or any other type of communication if data is correctly received.

The final element of claim 1 now reads the receiving agent initiating a resend data unit communication with the sending agent if it is determined that a received data unit has an incorrect sequence identifier. It is believed that this recitation accurately describes the operation of applicants' method of claims 1, 8, and 14, as well as the system of claim 17.

It is also believed that Moh fails to anticipate, teach or suggest these independent claims for the reason that Moh is not believed to operate in a manner that teaches or suggests the final element of the claim. The examiner addresses this element and states that column 12, lines 11-14, column 11, lines 51-60 and column 12, lines 6-14 purport to meet the language this element and specifically states that Moh discloses the data transport method looping back to retransmit the data unit after an error and receiving the error ACK message.

A review of the cited text establishes that Moh does not operate in this manner. In the citation of column 11, lines 51-60, the text reads "At step S108, the network interface 200 at the source node determines whether the acknowledgement packet received at step S107 is an error acknowledgement or a data transfer information acknowledgement. If the received acknowledgement packet is an error acknowledgement or a data transfer information acknowledgement, it returns to step S102 to repeat the above procedure. However, if the received acknowledgement packet is not an error acknowledgement and not a data transfer information acknowledgement, it proceeds to step S109."

At column 12, lines 6-14, the text reads "At step S203, the network interface 200 at the destination node determines whether there exists an error in the packet body restored at step S202. If it is determined that there is an error in the message at step S203, it proceeds to step S213. At step S213, the network interface 200 at the destination node transfers the error acknowledgement packet to the source node, then the procedure ends. However, if there is no error in the message, it proceeds to step S204."

Neither of these cited text portions teaches or suggests the receiving agent initiating a resend data unit communication with the sending agent if the receiving agent determines that a received data unit has an incorrect sequence identifier. What Moh does teach is that once error ACK packet is transferred to the source node, the procedure ends. While it also states that if the received acknowledgement packet is an error acknowledgement for a data transfer information acknowledgement, it returns to step 102 to repeat the above procedure, but it is submitted that this text does not indicate that it *resends* the packet for which an error ACK was generated. The patent is not believed to describe resending packets as is claimed by the applicants.

Because all of the independent claims of substantially similar language, the above argument is also believed to apply to claims 8, 14 and 17. For the foregoing reasons, reconsideration and allowance of all pending claims is respectfully requested.

Respectfully submitted,

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March 8, 2005

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